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May 9, 2003

**Via Federal Express**

Hon. Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
9300 East Hampton Drive  
Capitol Heights, MD 20743

Re: Amendment of FM Table of Allotments  
MB Docket No. 03-77  
RM-10660

Dear Ms. Dortch:

Enclosed please find an original and four copies of the joint Comments and Counterproposal of Kea Radio, Inc. and Pulaski Broadcasting, Inc. to be filed in connection with the above referenced rulemaking proceeding. An additional copy is enclosed to be returned to the undersigned in the enclosed postage-paid, self-addressed envelope after it has been date-stamped by your office.

Should you or any members of your staff have questions concerning the enclosed, please contact the undersigned for clarification. Thank you for your cooperation in this matter.

Sincerely,

MCCAMPBELL & YOUNG, PC



Robert S. Stone

RSS/rs

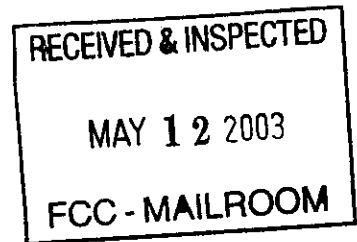
No. of Copies rec'd 014  
ENCLOSURE

May 9, 2003

Enclosure

cc: Kea Radio, Inc.  
Pulaski Broadcasting, Inc.  
(Service List)

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**



In the Matter of	)	
	)	
Amendment of Section 73.202(b),	)	MM Docket No. 03-77
Table of Allotments,	)	RM-10660
FM Broadcast Stations.	)	
(Ashland, Coaling, Cordova, Decatur,	)	
Dora, Hackleburg, Hobson City, Holly Pond,	)	
Killen, Midfield, Scottsboro, Sylacauga and	)	
Tuscaloosa, Alabama, Atlanta, Georgia,	)	
and Pulaski, Tennessee <sup>1</sup> )	)	

COMMENTS AND COUNTERPROPOSAL  
OF  
KEA RADIO, INC. AND PULASKI BROADCASTING, INC.

Kea Radio, Inc. ("KRI"), licensee of Station WKEA(FM), Scottsboro, Alabama, and Pulaski Broadcasting, Inc. ("PBI"), licensee of Station WKSJ-FM, Pulaski, Tennessee, by counsel, and pursuant to Section 1.420 of the Commission's Rules, hereby respectfully submit their joint Comments and Counterproposal in the above referenced rulemaking proceeding. KRI and PBI request the reallocation and reclassification of Channel 252 from Pulaski, Tennessee Channel 252A to Killen, Alabama Channel 252C3 and the upgrade of Scottsboro, Alabama Channel 252 from Channel 252A to Channel 252C3. In support whereof, the following is respectfully shown:

1. This submission is made in response to the Commission's *Notice of Proposed Rulemaking* ("NPRM"), DA 03-816, released March 21, 2003. The NPRM established May 12, 2003 as the deadline for the filing of comments and counterproposals. Accordingly, this counterproposal is

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<sup>1</sup>Killen, Alabama, Scottsboro, Alabama and Pulaski, Tennessee have been added to the caption of this pleading. The parties respectfully request that these communities be added to the caption of the proceeding.

timely filed.

2. The NPRM invited comments and counterproposals in connection with a number of interrelated changes to the FM Table of Allotments ("FM Table") jointly proposed by Cox Radio, Inc. and its wholly-owned subsidiary CXR Holdings, Inc. (collectively "Cox"). Among the changes proposed by Cox are the reallocation of Channel 238A, WASZ(FM), from Ashland, Alabama to Hobson City, Alabama and the reallocation of Channel 252A, WTRB-FM, from Sylacauga, Alabama to Ashland in order to replace the local transmission service heretofore provided by WASZ to the community of Ashland.

3. KRI and PBI hereby counterpropose the reallocation and reclassification of Channel 252A from Pulaski, Tennessee to Killen, Alabama as Channel 252C3 and the upgrade of Scottsboro, Alabama Channel 252A to Channel 252C3, instead of the reallocation of Channel 252A from Sylacauga, Alabama to Ashland, Alabama made necessary by Cox's proposed reallocation of Channel 238A from Ashland, Alabama to Hobson City, Alabama. Since PBI's change of community proposal from Pulaski, Tennessee to Killen, Alabama and KRI's upgrade proposal are consistent with the provisions of Section 1.420(i) of the Commission's Rules, the modifications proposed may be made without entertaining competing expressions of interest in the use of Channel 252C3 at Killen, Alabama or Scottsboro, Alabama, or require either party to demonstrate the availability of additional equivalent class channels for use by other parties.

4. Because the Cox petition proposes additional changes to the FM Table that are not relevant to the comparative consideration of this counterproposal, only the KRI/PBI counterproposal and the Sylacauga-Ashland-Hobson City proposal are subject to the comparative criteria set forth in the Commission's *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982) ("FM

Priorities"). This counterproposal, which represents an allotment proposal that is mutually exclusive with the Sylacauga-Ashland-Hobson City proposal, constitutes a preferential arrangement of the FM Table because it will permit the provision of a first local transmission service to a community of substantial population and will result in a net gain of radio service to 217,678 people<sup>2</sup>.

5. Killen, Alabama is an incorporated city with a population of 1,118 persons according to the 2000 U.S. Census Bureau. It is governed by a mayor-board of alderman form of government and provides municipal services to its residents, including full-time police force, municipal court, parks and recreation and a volunteer fire department. It offers its own public library, community organizations, churches (Baptist, Methodist, Church of Christ and Apostolic Church) elementary and secondary educational institutions and numerous commercial outlets. The community is also served by the Killen Clinic which provides health care with staffed physicians. The Killen Post Office is also located within the city limits of Killen, whose zip code is 35645. Finally, Killen is not located within any urbanized area and is separated from the nearest such area (Florence, Alabama) by Wilson Lake, formed by Wilson Dam on the Tennessee River. Killen easily qualifies as a community for allotment purposes.

6. As further demonstrated by the attached technical report, this counterproposal may be implemented in full compliance with the rules of the Commission. Principal community coverage will be achieved at both Killen and Scottsboro, while fully protecting all relevant allotments and assignments now set forth in the Table of Allotments.

7. PBI hereby states that upon adoption of a Report and Order modifying the FM Table so as to reallocate Channel 252 from Pulaski, Tennessee to Killen, Alabama, PBI will promptly file an

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<sup>2</sup>As set forth in the attached technical report in support of this counterproposal, WKSR would improve its population coverage by 119,988 persons, while WKEA-FM would increase its population coverage by 97,690 persons.

application for construction permit for the new facility. PBI further states that upon grant of the construction permit for the new facility at Killen, PBI will promptly construct the facility and commence operations consistent with the rules and policies of the Commission.

8. The KRI/PBI counterproposal is superior to the Cox petition because it will permit the provision of a first local transmission service to Killen, Alabama, whereas the Cox petition fails to achieve any priority set forth in the FM Priorities. Consistent with Commission precedent, the allotment of Channel 252C3 at Scottsboro, Alabama and the reallocation of Channel 252 to Killen, Alabama as Channel 252C3 are preferable to the mere substitutions envisioned by the Cox petition.

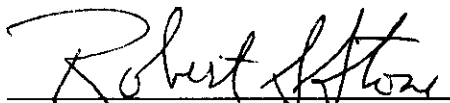
WHEREFORE, premises considered, Kea Radio, Inc. and Pulaski Broadcasting, Inc. respectfully urge the adoption of a Report and Order by the Commission amending the FM Table of Allotments consistent with this counterproposal.

Dated this 9<sup>th</sup> day of May, 2003.

Respectfully Submitted,

**KEA RADIO, INC.**  
**PULASKI BROADCASTING, INC.**

McC Campbell & Young, PC  
Their Attorneys

By:   
Robert S. Stone

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## **COUNTER PROPOSAL TO WTRB SYLACAUGA, ALABAMA**

This is a technical report prepared jointly for Kea Radio Inc. and Pulaski Broadcasting Company Inc. This report is a counter proposal, to the proposal of WTRB, Sylacauga Alabama. WTRB proposes to move from Sylacauga to Ashland Alabama. This joint counter proposal for WKEA and WKSJ request class C3 up-grades for both stations.

In order to make this possible WKSJ proposes to change its city of license from Pulaski, Tennessee, to Killen Alabama. The required location at Killen, Alabama, meets all the spacing requirements of the Commissions Rules for a class C3, operating on channel 252 C3. Using the Killen coordinates for WKSJ, WKEA can also up-grade to a C3 with the hypothetical coordinates conveyed in this report.

This proposal is in conflict with that proposed by WTRB, to move from Sylacauga to Ashland, at the site they are proposing to use. Therefore WKEA and WKSJ are filing a joint counter proposal to the WTRB move from Sylacauga to Ashland Alabama. The site coordinates for WKEA is short spaced to WTRB by 4.48 Kilometers. With this joint counter proposal Killen, Alabama, will get it first local service and WKEA will be able to up-grade to a C3 on channel 252, with no other changes required in the table of assignments.

This counter proposal should be preferred over the move from Sylacauga, to Ashland because Killen will get it first local service and two stations will be able to up-grade.

They proposed to move WTRB from Sylacauga to Ashland and to move WASZ from Ashland to Hobson City, Alabama, none of which will get a first local service because Hobson City has an AM Station, where as Killen does not have any local service.

Exhibit 1 is an allocation study that demonstrates that WKSR can move to Killen, Alabama, and meets all the spacing requirements of the FCC Rules. This exhibit demonstrates that 252 C3 can be assigned to Killen with out any other changes in the table of assignments, except as indicated in exhibit 2. The proposed 70 dbu contour encompasses the entire city of Killen, Alabama.

Exhibit 2 is the allocation study for WKEA, which demonstrates that WKEA can be up graded to a C3 and still continues to operate on channel 252. This change to a C3 up grade can be accomplished with WKSR moving to Killen, Alabama, at the site specified in this counter proposal. The 70 dbu contour for WKEA will completely encircle all of the city boundaries.

Exhibit 3 is a computer generated map where we have plotted and marked the locations for channel 252 C3 at Killen, Alabama, and the location for channel 252-C3 for Scottsboro, Alabama. This exhibit illustrates all of the stations involved in these proposed changes. This exhibit contains all of the stations that have any effect upon this counter proposal.



Exhibit 4 is a map on which we have placed the 70 dbu contour for Killen to demonstrate that the site selected will meet the restraints placed upon it by 73.315. This map was prepared using the techniques the Commission sets forth in the Rules in order to calculate the distance to the 70 dbu contour. As can be seen there is no doubt that this proposal does fully comply with the rules regarding city grade coverage.

Exhibit 5 is another map upon which we have plotted the 70 dbu contour for WKEA as a C3. From looking at this map one can glean that this site complies with 73.315. The complete city boundary is covered by the planned site for WKEA operating as a C3 on channel 252.

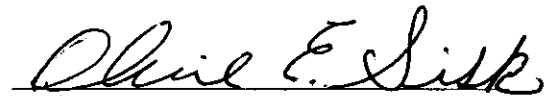
These exhibits demonstrate that this counter proposal is in full agreement with the Commission Policies and Rules regarding changes in the table of assignments found in rule 73.202. In order to calculate the distance to contours we followed the procedures the Commission outlined in 73.312. The eight radials were tabulated from the ngdc 30 database starting with true North and then clockwise at 45 degree intervals until the 360 degrees was complete. From the data we employed above, we extracted elevation points in the 3-16 kilometers section only. This process was completed by a computer program developed for this type exercise.

Based on the material in this engineering report, you can readily determine that these proposals meet the requirements of the Federal Communications Commission as it relates to 73.202. With this proposal WKSJ will improve its population coverage by 119,988 persons and WKEA will increase its population coverage by 97,690 people. The combined

total for the two up grades will be 217,678 people who will receive a new service. The total population in the two up grades will be 325,714. The increase will more than triple the two stations coverage, which at present is 108,066.

Sisk Engineering Inc. and Olvie E. Sisk assume no liability for any errors or omissions in the information hereby provided, and will not be liable for any injuries or damages including consequential which might result from use of this engineering report. Sisk Engineering and Olvie E. Sisk assume no liability for this report if it is accepted or rejected by the Federal Communications Commission. The parties agree with these stated terms and conditions or this report is considered null and void and is not to be utilized in any way or filed with the Commission.

May 6, 2003

A handwritten signature in black ink, appearing to read "Olvie E. Sisk", written over a horizontal line.

Olvie E. Sisk  
Sisk Engineering Inc.  
P. O. Box 2116  
Tupelo, MS 38803

WKSr AT KILLEN ALABAMA EXHBIT 1  
ALLOCATION STUDY

Exhibit 1

REFERENCE

34 58 40 N  
87 36 05 W

CLASS = C3

Current Spacings

DISPLAY DATES

DATA 04-26-03  
SEARCH 05-04-03

----- Channel 252 - 98.3 MHz -----

Call	Channel	Location	Dist	Azi	FCC	Margin
WKEAFM LIC	252C3	Scottsboro	AL 153.96	109.9	153.0	0.96
WKGL LIC	249A	Russellville	AL 43.00	189.6	42.0	1.00
WRIKFM CP	252C1	Metropolis	IL 212.96	338.0	211.0	1.96
RDEL DEL	252A	Scottsboro	AL 153.48	105.9	142.0	11.48
WKEAFM CP -Z	252A	Scottsboro	AL 158.78	101.0	142.0	16.78
WZLQ LIC	253C1	Tupelo	MS 168.61	238.1	144.0	24.61
WTVT LIC	251C1	Fayette	AL 184.42	185.0	144.0	40.42
WSIXFM LIC	250C	Nashville	TN 137.71	30.2	96.0	41.71
ALLO VAC	250A	Marietta	MS 94.10	236.3	42.0	52.10
WSRREFM LIC	251C1	Millington	TN 203.52	276.2	144.0	59.52
WKXMFm APP-Z	249A	Winfield	AL 106.58	189.9	42.0	64.58
RADD ADD	249A	Winfield	AL 109.49	186.1	42.0	67.49
ALLO RSV	254C1	Warrior	AL 155.32	151.9	76.0	79.32

WKEA C3 SITE  
ALLOCATION STUDY

Exhibit 2

REFERENCE

34 29 53 N

86 01 26 W

CLASS = C3

Current Spacings

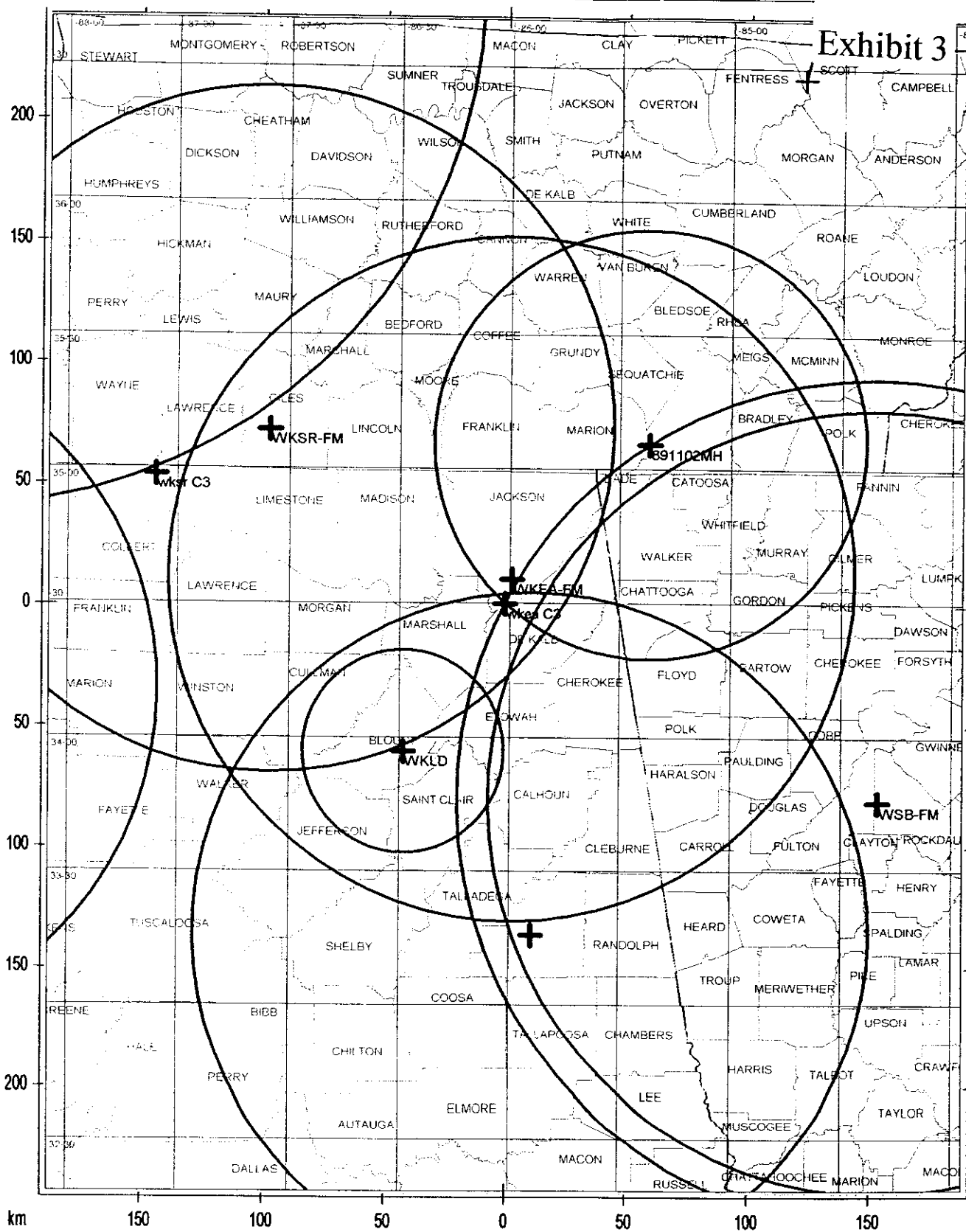
DISPLAY DATES

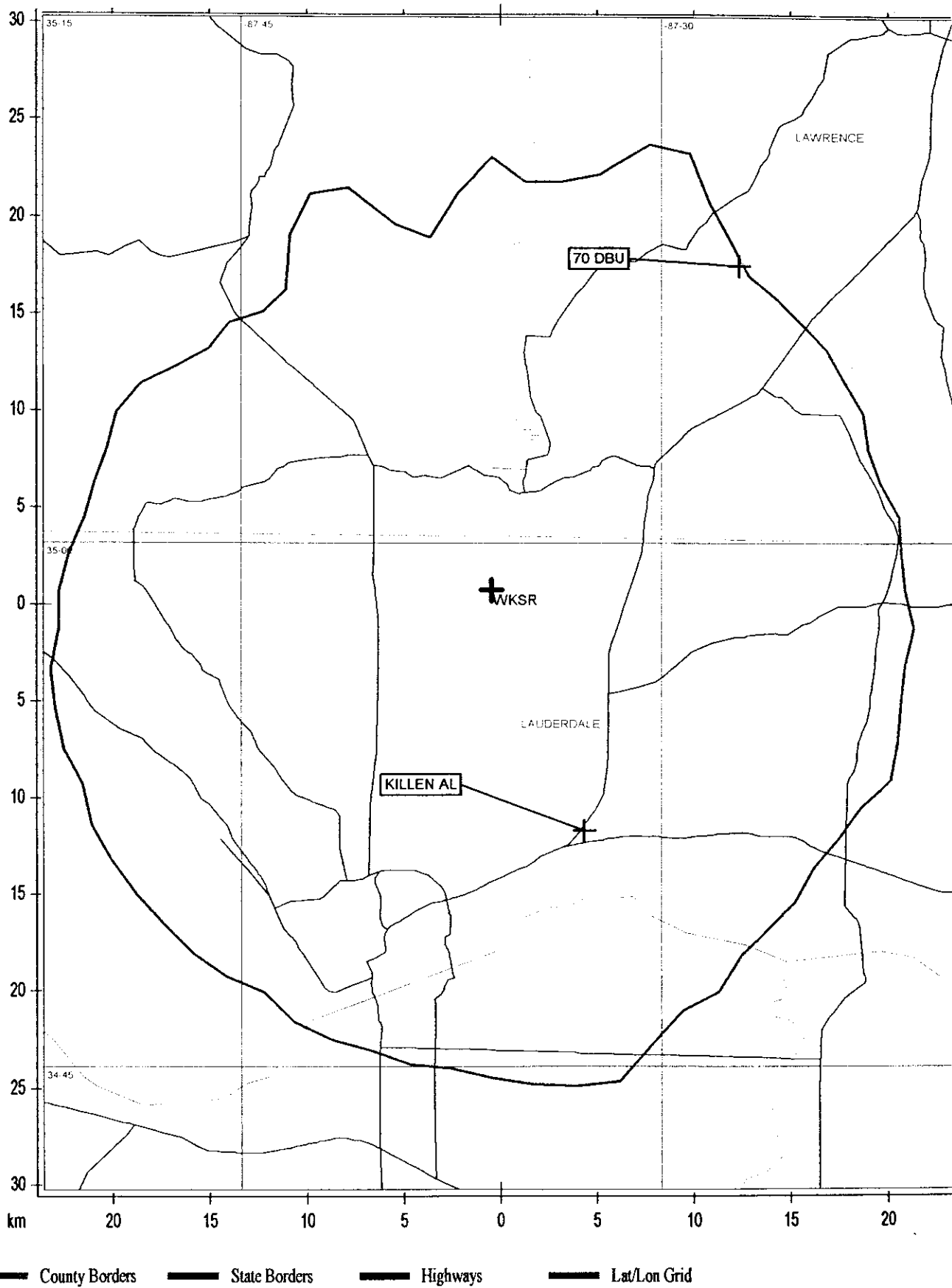
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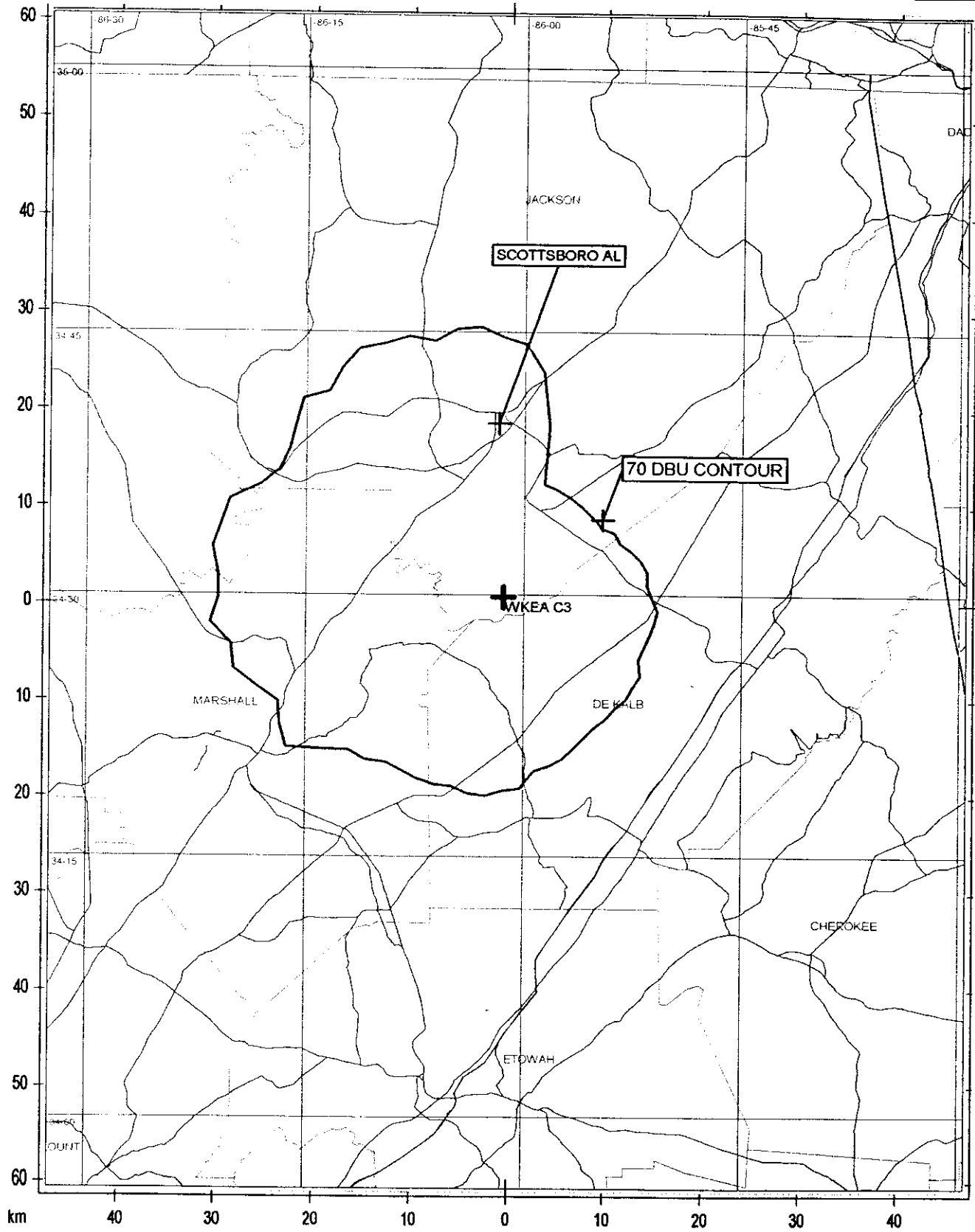
SEARCH 05-04-03

----- Channel 252 - 98.3 MHz -----

Call	Channel	Location		Dist	Azi	FCC	Margin
RADD	ADD 252A	Ashland	AL	137.52	175.2	142.0	-4.48
WSB-FM	LIC 253C	Atlanta	GA	176.05	117.4	176.0	0.05
RDEL	DEL 253C	Atlanta	GA	176.05	117.4	176.0	0.05
WKXJ	LIC-Z 251A	Signal Mountain	TN	89.09	42.4	89.0	0.09
WKS RFM	LIC 252C3	Pulaski	TN	153.97	290.8	153.0	0.97
RADD	ADD 253C0	Atlanta	GA	176.05	117.4	163.0	13.05
WTRB FM	LIC 252A	Sylacauga	AL	158.62	184.9	142.0	16.62
RDEL	DEL 252A	Sylacauga	AL	158.62	184.9	142.0	16.62
WKLD	LIC-N 249A	Oneonta	AL	74.30	214.8	42.0	32.30
WKLD.C	CP -N 249A	Oneonta	AL	74.48	214.8	42.0	32.48
ALLO	RSV 254C1	Warrior	AL	110.81	220.9	76.0	34.81
WKCX	LIC-Z 249C3	Rome	GA	78.64	111.7	43.0	35.64
WLODFM	LIC 252A	Sweetwater	TN	188.92	48.5	142.0	46.92
WVOK FM	LIC 250A	Oxford	AL	98.15	171.8	42.0	56.15
WBHK	LIC-N 254C1	Warrior	AL	133.70	212.9	76.0	57.70
WTXT	LIC 251C1	Fayette	AL	207.98	231.5	144.0	63.98
WQMT	LIC-Z 255A	Chatsworth	GA	109.78	70.1	42.0	67.78
WGIC	LIC-N 253C2	Cookeville	TN	189.36	15.3	117.0	72.36
WMGP	LIC-Z 251C3	Hogansville	GA	187.18	147.9	99.0	88.18







## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing Comments and Counterproposal of Kea Radio, Inc. and Pulaski Broadcasting, Inc. have been served on the following parties or their counsel, where indicated, by first class U. S. Mail, postage prepaid, as follows:

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